

## REMARKS

Claims 1-28 are in this application.

Favorable reconsideration and entry of this amendment are respectfully requested.

Claims 1-28 have been rejected under 35 U.S.C. §112, first paragraph, with regard to the terms "floor", "back" and "returned".

While applicants disagree with the Examiner's position that the original specification fails to find support for these terms, applicants have amended the claims hereinabove to obviate the rejection under 35 U.S.C. §112. In particular, the claims have been amended whereby the original term "bottom" has been reinserted for the term "floor" and the terms "back" and "returned" have been deleted from the claims at issue.

Accordingly, it is respectfully submitted that the withdrawal of the rejection of claims 1-28 under 35 U.S.C. §112, first paragraph, is deemed to be in order and such action is respectfully requested.

Claim 13 has been rejected under 35 U.S.C. §102(b) as being anticipated by Rider (U.S. Patent No. 6,422,318). While applicants disagree with the Examiner's position, Claim 13 has been amended hereinabove to recite that the delivery assembly is "positioned under the bottom of a water reservoir and configured to deliver cooling ground water". Rider clearly does not disclose a delivery assembly positioned under the bottom of a water reservoir. Rider discloses a delivery

assembly positioned under the ground surface not under the bottom of a water reservoir and therefore does not anticipate claim 13.

Accordingly, in view of the above amendment, the rejection of Claim 13 as being anticipated by Rider is deemed to be in order and such favorable action is respectfully requested.

Claims 1-8, 10-12 and 14-20 and 22-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rider in view of Cherrington U.S. Patent No. 4,319,648.

The Examiner acknowledges the fact that Rider fails to disclose delivering ground water from under the bottom of a water reservoir for cooling equipment in a facility requiring the same. This lack of disclosure is fundamental to applicants' invention. That is, nowhere in the cited prior art of record is it disclosed or recognized that taking ground water from under the bottom of a water reservoir, such as an ocean, sea, lake and the like and delivering this ground water to cool equipment utilized, for example, in onshore industrial facilities, such as electric generating power plants, would not only be an effective and efficient means for cooling but moreover would eliminate many of the disadvantages, particularly environmental disadvantages, associated with prior conventional cooling means. For example, a significant advantage associated with applicants' invention, in contrast to prior means, is the avoidance of deleterious thermal plumes upon discharge of the cooling water from the facility into the water reservoir.

In an attempt to overcome this fundamental deficiency of Rider, the Examiner relies on Cherrington for "a teaching of drilling beneath a water reservoir." However, this teaching does not overcome the Rider deficiency with regard to applicants' invention. Applicants' claimed invention involves more than merely "drilling beneath a water reservoir." Applicants' claimed invention involves, inter alia, drilling beneath a water reservoir and delivering the ground water from beneath the bottom of the water reservoir to a facility for cooling equipment. Clearly, contrary to the Examiner's position, Cherrington does not suggest this essential feature of applicants' invention. It is respectfully submitted that it is inconceivable to conclude that it would have been obvious to one of ordinary skill in the art to deliver cooling ground to a facility from beneath the bottom of a water reservoir based on a teaching by Cherrington to traverse a river by drilling and laying pipe beneath the bottom of the river so as to extend the pipe from one point on the shore of the river to another point on the opposite shore of the river.

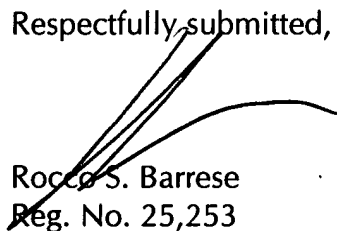
In view thereof, it is respectfully submitted that the withdrawal of the rejections of Claims 1-8, 10-12, 14-20 and 22-26 is deemed to be in order and such action is respectfully requested.

Finally, applicants note that Claims 9, 21, 27 and 28 which recite discharging the delivered cooling water from the facility to the water reservoir without causing thermal plumes or detrimental thermal plumes have not been rejected as unpatentable over the cited prior art which lack any disclosure or suggestion thereof. Accordingly, since the rejection of these claims under 35 U.S.C.

§112 has been obviated hereinabove, it is respectfully submitted that these claims are allowable and in condition for allowance and an indication of such by the Examiner is respectfully requested.

Moreover, in view of the above discussion and amendment to the claims, it is respectfully submitted that all of the claims in this application are in condition for allowance and such favorable action is courteously urged.

Respectfully submitted,



Rocco S. Barrese  
Reg. No. 25,253  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553  
(516) 228-8484